

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>IN RE:</b>	}	Case Number: 23-59140-sms
William Brooks	}	
	}	Chapter 13
	}	
<b>DEBTOR(S)</b>	}	

**MOTION TO EXTEND AUTOMATIC STAY**

COMES NOW, Debtor and through counsel files this “Motion to Extend Automatic Stay,” showing to this Honorable Court the following:

1.

This case was commenced on Northern District of Georgia by the filing of a Voluntary Petition in Bankruptcy for relief under Title 11 Chapter 13 of the United States Code.

2.

Jurisdiction is appropriate pursuant to 28 U.S.C. Section 1334; 28 U.S.C. Section 151 *et seq.*; and, 11 U.S.C. Section 151 *et seq.* Venue is appropriate pursuant to 28 U.S.C. Section 1409. This contested matter is a core proceeding as defined in 28 U.S.C. Section 157(b)(2)(G).

3.

This motion is brought pursuant to 11 U.S.C. Section 362(c)(3)(B) and Rule 9014 F.R. Bankr. P. Debtor has had one previous Chapter 13 bankruptcy case dismissed within the past twelve months, bringing it within the purview of 11 U.S.C. Section 362(c)(3). Debtor’s previous case, 23-56367, was filed 07/06/2023 and 09/07/2023. In Debtor’s previous case, the monthly plan payments were calculated at \$890 per month, with a 0% dividend to unsecured creditors.

Debtor’s previous case was dismissed because: Debtor misunderstood the required

deadline to pay her filing fee payments. This case will succeed because Debtor has paid her filing fee payment in full, and is aware of all upcoming deadlines

4.

Pursuant to 11 U.S.C. Section 362(b)(3)(A) the automatic stay of 11 U.S.C. Section 362(a) will terminate by law on the 30<sup>th</sup> day following the date of the filing of the petition unless this Court grants an extension of the stay.

5.

The Chapter 13 petition in this case was filed in good faith in an effort to save Debtor's vehicle from repossession and by no means is forbidden by law. The vehicle is necessary for Debtor's transportation.

6.

Good cause exists for the continuance of the automatic stay as to all applicable entities in this case. A high likelihood of success exists in the case because Debtor has sufficient income to make the monthly bankruptcy payments.

7.

Debtor's reorganization depends upon the continuation of the stay in this case. Debtor can provide adequate protection to creditors pursuant to the terms of Debtor's proposed Chapter 13 Plan. If the automatic stay is not extended, Debtor will suffer irreparable injury because he will lose her transportation.

8.

No substantial harm will result for any other parties because Debtor proposes to pay all of her creditors a 0% dividend and will continue to make her monthly post-petition obligations.

9.

Extension of the automatic stay will serve the public interest because it will allow Debtor the opportunity to reorganize her debt and save her vehicle from repossession.

10.

Debtor has filed the instant case in good faith. In this case, Debtor's monthly plan payments are \$890 per month, with a 0% dividend to unsecured creditors. Debtor asks

the Court to find that the presumption that the instant case was not filed in good faith has been rebutted by clear and convincing evidence, as outlined above, and extend the automatic stay.

11.

The continuance of the stay is in the best interest of Debtor, the Chapter 13 estate, and the creditors in this case.

Wherefore, Debtor(s) prays:

- (a) that this “Motion to Extend Automatic Stay” be filed, read, and considered;
- (b) that a time, date, and place be set for a hearing to take place prior to the expiration of the 30-day period;
- (c) that this Motion be granted and the Automatic Stay provided under 11 U.S.C. Section 362(a) be continued as to all entities until such time as the Court grants relief from the stay for cause, or the stay is terminated pursuant to 11 U.S.C. Section 362(c)(1) or (2)l and,
- (d) that this Honorable Court grant such other and further relief as it deems just and proper.

WHEREFORE, Debtor prays that this Motion be allowed and for such other and further relief as this Court deems equitable and just.

Respectfully submitted,

Dated: Friday, September 29, 2023

Saedi Law Group, LLC

\_\_\_\_\_/s/\_\_\_\_\_  
Lorena L. Saedi, Attorney for Debtor  
3006 Clairmont Road  
Suite 103  
Atlanta, Georgia 30329  
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<b>IN RE:</b>	}	Case Number: 23-59140-sms
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	}	Chapter 13
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**CERTIFICATE OF SERVICE**

The undersigned hereby swears or affirms that a copy of the foregoing pleading has been mailed to the following with sufficient postage affixed thereto to ensure delivery by first-class United States mail or by electronic means pursuant to Fed. R. Civ. P.(b)(2)(D) and Fed. R. Bankr. P. 9022:

Chapter 13 Trustee  
K. Edward Safir, 285 Peachtree Center Ave, NE, Suite 1600, Atlanta, GA 30303

Internal Revenue Service  
600 Russell B. Russell Building  
75 Ted Turner Drive, S.W.  
Atlanta, Georgia 30303-3309  
Served via U.S. Mail

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101-7346  
Served via U.S. Mail

Internal Revenue Service  
401 W. Peachtree Street, N.W.  
Stop 334-D  
Atlanta, GA 30308  
Served via U.S. Mail

Department of Justice, Tax Division  
Civil Trial Section, Southern Region  
PO Box. 14198  
Ben Franklin Station  
Washington, D.C. 20044  
Served via U.S. Mail

United States Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C 20530-0001  
Served via U.S. Mail

T Mobile/T-Mobile USA Inc  
by American InfoSource as agent  
ATTN: E. Sisson  
4515 N Santa Fe Ave  
Oklahoma City, OK 73118  
Served via U.S. Mail

Quantum3 Group LLC as agent for  
Credit Corp Solutions Inc  
ATTN: Jeff Swenson  
PO Box 788  
Kirkland, WA 98083-0788  
Served via U.S. Mail

LVNV Funding, LLC  
Resurgent Capital Services  
ATTN: Brandie McCann  
PO Box 10587  
Greenville, SC 29603-0587  
Served via U.S. Mail

OneMain Financial Group, LLC  
ATTN: /CRYSTAL X. BROWNING  
PO Box 3251  
Evansville, IN 47731  
Served via U.S. Mail

Westlake Services, LLC c/o  
ATTN: Jaimee Gatewood  
Resurgent Capital Services  
PO Box 3427  
Greenville, SC 29602  
Served via U.S. Mail

Bridgecrest Acceptance Corporation by AIS Portfolio Services, LLC as agent  
ATTN: Veermanu Yadav  
4515 N. Santa Fe Ave. Dept. APS  
Oklahoma City, OK 73118  
Served via U.S. Mail

KRG Dallas Paradise LLC  
Simpson, Uchitel & Wilson, LLP  
ATTN: Vivian Hudson Uchitel, Esq.  
P.O. Box 550105  
Atlanta, GA 30355-2505  
Served via U.S. Mail

Spring Oaks Capital SPV, LLC  
ATTN: NAKESHA DELOATCHE  
PO BOX 1216  
CHESAPEAKE, VA 23327-1216  
Served via U.S. Mail

GEORGIA SPINE AND ORTHOPAEDICS  
C/O WAKEFIELD & ASSOCIATES LLC  
ATTN: Lisa M. White  
PO BOX 51272  
KNOXVILLE, TN 37950  
Served via U.S. Mail

Premier Bankcard, LLC  
Jefferson Capital Systems, LLC Assignee  
ATTN: Debby Duncan  
PO Box 7999  
St. Cloud, MN 56302-9617  
Served via U.S. Mail

Premier Bankcard, LLC  
ATTN: Debby Duncan  
Jefferson Capital Systems, LLC Assignee  
PO Box 7999  
St. Cloud, MN 56302-9617  
Served via U.S. Mail

Bridgecrest Acceptance Corporation Department  
AIS Portfolio Services, LLC  
ATTN: Arvind Nath Rawal  
4515 N Santa Fe Ave. Dept. APS  
Oklahoma City, OK 73118  
Served via U.S. Mail

FYR SFR Borrower, LLC  
THE TOTTEN FIRM, LLC  
ATTN: Matthew F. Totten  
2090 Dunwoody Club Dr,  
Ste 106-33

Atlanta, GA 30350  
Served via U.S. Mail

Westlake Services, LLC c/o  
ATTN: Jaimee Gatewood  
Resurgent Capital Services  
PO Box 3427  
Greenville, SC 29602  
Served via U.S. Mail

Bridgecrest Acceptance Corporation Department  
AIS Portfolio Services, LLC  
ATTN: Amitkumar Sharma  
4515 N Santa Fe Ave. Dept. APS  
Oklahoma City, OK 73118  
Served via U.S. Mail

The attached creditor matrix has been served by first-class United States mail.

Dated: Friday, September 29, 2023

Saedi Law Group, LLC

\_\_\_\_\_/s/\_\_\_\_\_  
Lorena L. Saedi 622072, Attorney for Debtor  
3006 Clairmont Road  
Suite 103



Atlanta, Georgia 30329  
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Lsaedi@SaediLawGroup.com

Label Matrix for local noticing  
113E-1  
Case 23-59140-sms  
Northern District of Georgia  
Atlanta  
Fri Sep 29 09:24:19 EDT 2023

William James Brooks Jr  
4995 Fox Creek Drive  
Marietta, GA 30062

Credit Collection Serv  
725 Canton St  
Norwood, MA 02062-2679

FYR SFR Borrowers LLC  
P.O. Box 451027  
Atlanta, GA 31145-9027

(p)INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

Lvnv Funding Llc  
Po Box 10497  
Greenville, SC 29603-0497

Onemain  
100 International Drive  
Baltimore, MD 21202-4673

San Bernandino Child Support Services  
10417 Mountain View Ave.  
Loma Linda, CA 92354-2030

United States Attorney  
Northern District of Georgia  
75 Ted Turner Drive SW, Suite 600  
Atlanta GA 30303-3309

Bridgecrest  
4020 E Indian School Rd  
Phoenix, AZ 85018-5220

(p)CAINE & WEINER COMPANY  
12005 FORD ROAD 300  
DALLAS TX 75234-7262

FYR SFR BORROW LLC  
PO Box 451027  
Atlanta, GA 31145-9027

Fst Premie  
900 Delaware Suite 7  
Sioux Falls, SD 57104-0337

Kellee Wheat  
P.O. Box 451027  
Atlanta, GA 31145-9027

Netcollection  
1731 Victoria Way  
Kennesaw, GA 30152-6910

Lorena Lee Saedi  
Saedi Law Group, LLC  
3006 Clairmont Rd. Ste 112  
Atlanta, GA 30329-1602

Santander  
8585 N Stemmons Fwy Ste 1100 N  
Dallas, TX 75247-3836

Wakefield & Associates  
2001 E Joppa Rd  
Baltimore, MD 21234-2801

Bridgecrest Acceptance Corporation  
AIS Portfolio Services, LLC  
4515 N Santa Fe Ave. Dept. APS  
Oklahoma City, OK 73118-7901

Credence Resource Mana  
17000 Dallas Pkwy Ste 20  
Dallas, TX 75248-1940

FYR SFR Borrower LLC  
P.O. Box 451027  
Atlanta, GA 31145-9027

(p)GEORGIA DEPARTMENT OF REVENUE  
COMPLIANCE DIVISION  
ARCS BANKRUPTCY  
1800 CENTURY BLVD NE SUITE 9100  
ATLANTA GA 30345-3202

Kinum  
2133 Upton Dr  
Virginia Beach, VA 23454-1193

One Main Financial  
PO BOX 3327  
Evansville, IN 47732-3327

K. Edward Safir  
Standing Chapter 13 Trustee  
Suite 1600  
285 Peachtree Center Ave. NE  
Atlanta, GA 30303-1259

(p)SPRING OAKS CAPITAL LLC  
1400 CROSSWAYS BLVD STE 100B  
CHESAPEAKE VA 23320-0207

Westlake Services, LLC c/o  
Resurgent Capital Services  
PO Box 3427  
Greenville, SC 29602-3427

Caine & Weiner  
15025 Oxnard St  
Van Nuys, CA 91411

Georgia Department of Revenue  
Attn: Bankruptcy Department  
1800 Century Blvd NE, Ste 9100  
Atlanta, GA 30345

Internal Revenue Service  
Attn: Bankruptcy Unit  
Stop 225-D, PO Box 995  
Atlanta, GA 30370

Springoakcap  
P.O. Box 1216  
Chesapeake, VA 23327

End of Label Matrix  
Mailable recipients 26  
Bypassed recipients 0  
Total 26